IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 21st day of August 2002

Criminal Misc. Bail Application No. 688 of 2002

Order on the Bail Application

CRIMINAL SIDE

(1) Sawaran Singh son of Sri Santokh Singh and (2) Billu son of Sri Gurmel Singh resident of village Girdhai, P.S. Kashipur, District Udham Singh Nagar

…….Applicant (s)

Versus

State of Uttaranchal.

…….Opposite Party

Arising out of - Case Crime No. 592 of 2002
Under Section 452, 323, 304, 504 of I.P.C.,
P.S. Kashipur,
District Udham Singh Nagar

By the Court

Hon'ble Irshad Hussain, J.

Heard learned counsel for the applicants-accused and the learned A.G.A.

In this case the injured was discharged from the hospital on 9.7.2002. He died on 17.7.2002. The incident had taken place on 31.5.2002 and it is strange that the statement of the injured victim was not recorded under section 161 Cr.P.C. despite the said long period and even after his discharge from the hospital. Considering the totality of circumstances of the case, it is a fit case for bail.

Let the applicants (1) Swaran Singh son of Sri Santokh Singh and (2) Billy son of Sri Gurmel Singh, resident of village Girdhai, P.S. Kashipur, District Udham Singh Nagar be released on bail in case crime no. 592 of 2002, under sections 452, 323, 304, 504 of I.P.C., P.S. Kashipur, District Udham Singh Nagar on their each filing a personal bond and adequate sureties to the satisfaction of C.J.M., Udham Singh Nagar.

(Irshad Hussain, J.)

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M.P.S.